

**From:** [John J. McNally](#)  
**To:** [Montanez, Yeliann](#)  
**Cc:** [Floyd, Tanya](#); [Swanson, Courtney](#); [Krull, Joseph](#); [Woodruff, Kevin](#); [Snow, Jim](#)  
**Subject:** RE: Montco Research Products Site - Section 104 (e) Information Requests/Invitation  
**Date:** Tuesday, February 25, 2020 5:14:25 PM

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Yeli/all – thank you for acknowledging receipt of what I have sent you so far, and what I am doing to get you the rest of what EPA is requiring based on what is available and what I can do to acquire and transmit. I was in the process of responding to the email from Tanya concerning the Exact date that I think I can provide EPA with Complete information.

As I had stated, I have been doing my best to communicate with those individuals who have been involved and/or would be able to provide information and documents concerning the requests for information, etc.

I am completing the responses to the information requests and I am finalizing them to transmit to you. I realize I have stated that I was doing that, but needed to get some additional information and was not certain if you would provide a little more time if I requested. However, in accordance with Tanya's email, I am requesting some additional time extension to complete with everything I am able to provide by a date certain. You can determine if you can do that, but I am asking that you consider a request until this Friday, or Monday March 1, if possible.

I do not know if we have everything, but I am trying to get everything I am able to get. And, possibly, it would make sense to connect with you on the phone and discuss the status of the information and the site and work proposal from Safety Kleen. Please let me know and we can discuss the status of this work.

Thank you.

John.

John J. McNally, P.E., Esq.

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**From:** Montanez, Yeliann [<mailto:Montanez.Yeliann@epa.gov>]

**Sent:** Tuesday, February 25, 2020 4:30 PM

**To:** John J. McNally

**Cc:** Floyd, Tanya; Swanson, Courtney; Krull, Joseph; Woodruff, Kevin; Snow, Jim

**Subject:** RE: Montco Research Products Site - Section 104 (e) Information Requests/Invitation

Mr. McNally:

I am writing to acknowledge receipt of the financial documentation delivered to the EPA, including Montco Research Products, Inc. and Han Sunoo's tax returns for the years 2014 through 2018 and the questionnaire forms. The EPA, however, still has not received a complete response from your clients to the information request. Your clients have also failed to respond to the EPA's invitation to conduct a time-critical removal action at the Montco Research Products Site.

Per the e-mail below, you have obtained a proposal from Safety Kleen/Clean Harbors. The EPA, however, has not received any documentation in this regard. Your clients' complete response to the information request and to the EPA's invitation was due February 18, 2020. Your clients' failure to respond to the EPA's invitation indicates that your clients are not willing to conduct the time-critical

removal action.

Please do not hesitate to contact me or Tanya Floyd if you have any questions regarding this e-mail.

Sincerely,

Yeli

Yeliann Montañez

Attorney-Advisor

Office of Regional Counsel

U.S. EPA Region 4

61 Forsyth Street S.W.

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(404) 562-9522

[montanez.yeliann@epa.gov](mailto:montanez.yeliann@epa.gov)

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**From:** John J. McNally <[john@mcnallylawpa.com](mailto:john@mcnallylawpa.com)>

**Sent:** Friday, February 21, 2020 5:22 PM

**To:** Montanez, Yeliann <[Montanez.Yeliann@epa.gov](mailto:Montanez.Yeliann@epa.gov)>

**Cc:** Floyd, Tanya <[Floyd.Tanya@epa.gov](mailto:Floyd.Tanya@epa.gov)>; Swanson, Courtney <[Swanson.Courtney@epa.gov](mailto:Swanson.Courtney@epa.gov)>; Krull, Joseph <[krull.joseph@epa.gov](mailto:krull.joseph@epa.gov)>; Woodruff, Kevin <[Woodruff.KevinL@epa.gov](mailto:Woodruff.KevinL@epa.gov)>; Snow, Jim <[Snow.James@epa.gov](mailto:Snow.James@epa.gov)>

**Subject:** RE: Montco Research Products Site - Section 104 (e) Information Requests/Invitation  
Yeli – I have provided you the other information in response to the EPA letter and requests for information and documents, including the last Remedial Action O&M/Groundwater Monitoring Report and inventory of the chemical containers at the facility. As you know, I have obtained a proposal from Safety Kleen/Clean Harbors for the proper removal and disposal of the containers and materials. I am also completing the responses to the Requests for Information and will transmit as soon as possible. I will provide you with the proposal from Safety Kleen and we can discuss relative to removal and disposal.

Please let me know any questions and if we can plan to discuss.

Thanks.

John

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**From:** Montanez, Yeliann [<mailto:Montanez.Yeliann@epa.gov>]

**Sent:** Wednesday, February 19, 2020 1:24 PM

**To:** John J. McNally

**Cc:** Floyd, Tanya; Swanson, Courtney; Krull, Joseph; Woodruff, Kevin; Snow, Jim

**Subject:** Montco Research Products Site - Section 104 (e) Information Requests/Invitation

Mr. McNally:

As you know, the deadline for your clients' complete response to the information request was extended from January 24, 2020, to February 18, 2020. As of today, the EPA has not received a response from your clients to the information request. A complete response to the information request is mandatory. Your clients' failure to comply with the information request can result in an

enforcement action against your clients pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(e). Your clients may also be subject to penalties of up to \$58,328.00 for each day of continued non-compliance. In addition, your clients' response to the EPA's invitation to conduct a time-critical removal action at the Montco Research Products Site was extended from January 30, 2020, to February 18, 2020. The EPA has not received a response from your clients in this regard and the extended deadline has concluded. Your clients' failure to respond to the EPA's invitation indicates that your clients are not willing to conduct the time-critical removal action.

Please do not hesitate to contact me or Tanya Floyd if you have any questions regarding this e-mail.

Sincerely,

Yeli

Yeliann Montañez

Attorney-Advisor

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